

Message Text

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ACTION OES-07

INFO OCT-01 ARA-14 IO-14 ISO-00 L-03 SSO-00 INRE-00
NSCE-00 EB-08 CA-01 SCS-06 H-02 INR-10 DLOS-09
CG-00 DOTE-00 SS-15 TRSE-00 COME-00 PM-05 CIAE-00
PA-02 ICA-20 /117 W
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FM AMEMBASSY SAN JOSE
TO SECSTATE WASHDC IMMEDIATE 876
INFO AMEMBASSY MEXICO CITY
USMISSION GENEVA

UNCLAS SAN JOSE 1778

GENEVA PASS AMBASSADOR GLINGAN LOSDEL

E.O. 11652: N/A

TAGS: EFIS, CS

SUBJECT SEIZURE OF US TUNA VESSELS

REF: STATE 102203, MATHEWS/KILDAY TELCCON 4/21, NEGROPONTE/KILDAY N
TELCON 4/21, JOHNSON/KILDAY TELSON 4/21.

1. SUMMARY: EMBASSY HAS CONFIRMED THAT GOCR "SEIZED" TWO US FLAG TUNA
VESSELS
EVENING OF APRIL 20. VESSELS "BOLD VENTURE" AND "BOLD VENTURESS"
ESCORTED INTO PORT OF PUNTARENAS MORNING OF APRIL 21 WHERE THEY ARE
BEING DETAINED PENDING JUDICIAL DETERMINATION OF CHARGES OF
VIOLATION OF LAWS GOVERNING TUNA FISHING IN COSTA RICA'S TWO HUNDRED
MILE PATRIMONIAL SEA. ALTHOUGH GOCR OFFICIALS ASSERTED INITIALLY
THAT VESSELS WERE APPREHENDED FISHING WITHIN TWLEVE MILE TERRITORIAL
WATERS, OFFICIAL "DENUNICA" STATES "BOLD ADVENTURESS" WAS SIXTEEN MILES

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OFF COAST AND "BOLD VENTURE" WAS SEIZED THIRTEEN MILES OFF COAST.
ON LEARNING OF SEIZURE, EMBOFFS CONTACTED APPROPRIATE OFFICIALS OF
MINISTERIES OF FOREIGN RELATIONS, AGRICULTURE, AND PUBLIC SECURITY
WHILE CONSOFF WENT TO PUTARENEAS TO OFFER APPROPRIATE ASSISTANCE TO
CAPTAINS AND CREWS. CASE EXPECTED TO BE PRESENTED TO COURT APRIL 24.
END SUMMARY.

2. EMBOFF CONTACTED MINISTER OF PUBLIC SECURITY MARIO CHARPENTIER MORNING OF APRIL 21 TO REQUEST CONFIRMATIONS AND PARTICULARS OF RREPORTED SEIZURE OF TWO U.S. FLAG TUNA VESSELS "BOLD VENTURE" AND "BOLD ADVENTURESS." CHARPENTIER CONFIRMED THAT SEIZURE HAD TAKEN PLACE LESS THAN TWELVE MILES OFF CABO VELAS, AND THAT VESSELS WERE FISHING WHEN APPREHENDED BY COSTA RICAN COASTAL PATROL LAUNCH. A THIRD VESSEL WITH CANADIAN FLAG WAS APPREHENDED ALSO WHILE NUMBER OF OTHER VESSELS IN IMMEDIATE AREA MANAGED TO ESCAPE. EMBOFF INFORMED CHARPENTIER THAT CAPTAINS APPARENTLY DENIED THAT THEY WERE FISHING WHEN APPROACHED BY PATROL LAUNCH AND ALSO DENIED BEING LOCATED WITHIN TWELVE MILE LIMIT OF COSTA RICA'S TERRITORIAL SEA. EMBOFF REQUESTED THAT CHARPENTIER LOOK INTO DISCREPANCIES BETWEEN THE ACCOUNTS

OF U.S. CAPTAINS AND THAT OF CAPTAIN OF PATROL CRAFT. CHARPENTIER PROMISED TO DO SO AND TO INFORM EMBOFF OF HIS FINDINGS.

3. SUBSEQUENTLY, EMBOFF HAD TELCON WITH CAPTAIN OF BOTH U.S. VESSELS IN WHICH THEY STATED THAT WHEN SEIZED THEY WERE IN TRANSIT FROM EL SALVADOR SOUTH TO GULF OF PANAMA. CAPTAIN RAY GONZALEZ OF "BOLD ADVENTURESS" STATED GOCR PATROL BOAT ORDERED HIM TO PUNTARENAS AT 7:15 PM APRIL 20 WHEN HIS BOAT WAS 18.5 MILES OFF COAST OF CABO VELAS AREA. CAPTAIN DENNIS POTTER OF BOLD VENTURE STATED HE HAD BEEN JUST OUTSIDE OF TWELVE MILE LIMIT HEADING FOR GULF OF PANAMA WHEN, AT 8:30 PM, PATROL BOAT CAME ALONGSIDE, PLACED ARMED GUARDS ON BOARD, AND ORDERED VESSEL TO PUNTARENAS. HIS POSITION AT THE TIME WAS 12-12.5 UNCLASSIFIED

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MILES OFF COAST, WEST-NORTHWEST OF GUIONES. HE STATED THAT WHILE LOG WAS SEIZED BY GOCR AUTHORITIES IT WOULD NOT BE VERY HELPFUL BECAUSE

NAVIGATOR HAD BEEN NEGLIGENT IN RECORDING POSITION OVER PAST SEVERAL DAYS.

4. EMBOFFS THEN CONTACTED MINAG OFFICIALS WHO, PROCEEDING ON ASSUMPTION THAT VESSELS WERE APPREHENDED WHILE FISHING WITHIN TWELVE MILE

ZONE, ADVISED THAT APPLICABLE PENALTY UNDER COSTA RICAN LAW WAS FINE OF \$100 PER NET REGISTERED TON PLUS CONFISCATION OF CATCH. VICE MINISTER OF FOREIGN AFFAIRS KNEW LITTLE ABOUT THE CASE WHEN CONTACTED BY EMBASSY. HE PROMISED TO LOOK INTO MATTER AND TO INFORM EMBASSY.

5. LATE AFTERNOON APRIL 21 MINISTER OF PUBLIC SECURITY ADVISED EMBASSY

THAT INITIAL REPORT OF LOCATION OF VESSELS APPEARED TO INCORRECT AND THAT VESSELS APPARENTLY HAD BEEN SEIZED OUTSIDE OF TWELVE MILE LIMIT. EMBOFF THEN INFORMED CHARPENTIER THAT IATTC TO WHICH COSTA RICA

AND US WERE SIGNATORIES, GOVERNED TUNA FISHING IN COMMISSION YELLOWFIN REGULATORY AREA (CYRA) WHICH ENCOMPASSED AREA IN WHICH BOATS HAD BEEN SEIZED. EMBOFF EXPRESSED CONCERN THAT SEIZURE HAD OCCURRED AND SUGGESTED THAT MINPUBSEC ASCERTAIN APPROPRIATENESS OF LEGAL BASIS FOR SEIZURE IN LIGHT OF GOCR ADHERENCE TO IATTC. COINCIDENTALLY AND IN PRESNCE OF EMBOFF, CHARPENTIER RECEIVED

PHONE CALL FROM PRESIDENT ODUBER WHO INTER ALIA INSTRUCTED CHARPENTIER TO GET FONMIN FACIO'S OPINION ON THE MATTER.

6. EMBASSY THEN CONTACTED FOREIGN MINISTRY AGAIN, RELATED NEW INFORMATION PROVIDED BY CHARPENTIER, AND REQUESTED THAT MINISTRY ADVISE UNCLASSIFIED

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CHARPENTIER THAT SEIZURE WAS IN VIOLATION OF COSTA RICAN TREATY OBLIGATIONS. MINISTRY OFFICIAL CLEARED QUESTION WITH FORNMIN GONZALO FACIO

AND THEN ADVISED MINPUBSEC AS EMBASSY HAD REQUESTED. CHARPENTIER, HOWEVER, AFTER CHECKING FURTHER WITH PROCURADOR GENERAL (ATTORNEY GENERAL), ALLEGED TO LACK LEGAL BASIS TO RELEASE THE VESSELS. HE STATED MATTER HAD BEEN TURNED OVER TO COURT IN PUNTARENAS WHICH WOULD HAVE TO DETERMINE WHETHER IATTC TREATY OBLIGATIONS SUPERSEDED LAW 5575 OF 1975 WHICH GOVERNS TUNA FISHING IN PATRIOMENIAL SEA. ACCORDINGLY, CASE WAS PRESENTED TO COURT FRIDAY EVENING WITH EXPECTATION IT WOULD BE HEARD ON MORNING, APRIL 22.

7. CONSOFF ACCOMPANIED CAPTAINS, AGENT, AND ATTORNEYS TO COURT APRIL 22

AND WAS INFORMED THAT JUDGE HAD DEPARTED CITY ON OTHER BUSINESS AND CASE WOULD NOT BE HEARD UNTIL MONDAY, APRIL, 24. AT REQUEST OF EMBASSY, FOREIGN MINISTRY, MINPUBSEC, AND PROCURADOR GENERAL ATTEMPTED LOCATE JUDGE WITHOUT SUCCESS.

8. CONSOFF HAS OBTAINED COPY OF OFFICIAL CHARGES (DENUNCIA) WHICH ALLEGE VIOLATION OF LAW 5575 (UNAUTHORIZED TUNA FISHING WITHIN TWO HUNDRED MILE "SPECIAL JURISDICTION) AND, THEREFORE, PIRACY. DENUNCIA DOES NOT MENTION IATTC AT ALL. ACCORDINGLY, EMBASSY HAD REQUESTED FOREIGN MINISTRY TO COMMUNICATE DIRECTLY WITH COURT AND, IF NECESSARY, TO FILE FORMAL BRIEF DESCRIBING PROVISIONS OF IATTC. FOREIGN MINISTRY HAS AGREED TO CONTACT COURT AT OPENING OF BUSINESS, APRIL 24. WEISSMAN

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Message Attributes

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Draft Date: 24 apr 1978
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Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
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Document Unique ID: 00
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